

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

DONALD JAMES MONACO,

Civil No. 03-1051 (JRT/RLE)

Plaintiff,

**ORDER**

vs.

UNITED STATES DEPARTMENT OF  
JUSTICE, FEDERAL BUREAU OF PRISONS,  
KATHLEEN HAWK SAWYER, DIRECTOR;  
F.C.I. WASECA WARDEN T.C. OUTLAW;  
WASECA CLINICAL DIRECTOR, DR. MARK GRAY;  
WASECA HEALTH SERVICE CAPTAIN, USPHS,  
ALAN JORGENSEN; F.P.C. DULUTH WARDEN,  
D.L. STINE; DULUTH CLINICAL DIRECTOR,  
DR. DAVID BARTON; DULUTH HEALTH SERVICE  
CAPTAIN, USPHS, ROBERT DEFRENCE;  
DULUTH PHYSICIAN ASSISTANT JOHN ESPINAL;  
DULUTH PHYSICIAN ASSISTANT PHILLIP POLZIN;  
DULUTH SAFETY MANAGER AND RECYCLING  
SUPERVISOR, CHUCK WESSBERG,  
SEX OFFENDER PROGRAM,

Defendants.

Donald James Monaco, #13314-006, Federal Prison Camp, Box 1000, Duluth,  
Minnesota 55814, pro se plaintiff.

Lonnie F. Bryan, Assistant U.S. Attorney, **OFFICE OF THE UNITED  
STATES ATTORNEY**, 300 South Fourth Street, Suite 600, Minneapolis,  
Minnesota 55415, for defendants.

Based upon the Report and Recommendation of United States Chief Magistrate Judge

Raymond L. Erickson, and after an independent review of the files and records in this case,

and on the fact that no objections have been filed to the Report and Recommendation, **IT IS**

**HEREBY ORDERED** that:

That the defendants' motion to dismiss or, in the alternative, for summary judgment  
[Docket No. 75], **IS GRANTED.**

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

DATED: February 17, 2006  
at Minneapolis, Minnesota

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s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge